THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5291 OF 2006

Dated: 18-03-2006

Between

R. Laxman Rao, S/o. Late R. Venkateswar Rao,

Occ: Agriculture, R/o. Kongara Khurd Village,

Maheswaram Mandal, Ranga Reddy District.

...PETITIONER

AND

The Government of Andhra Pradesh, rep. by its

Secretary, Revenue Department, Secretariat,

Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner submits that he is the owner of the agricultural land admeasuring Ac.2-35 guntas in Sy.Nos.311/AA, Ac.4-35 guntas in Sy.No.315/AA and Ac.0-27 guntas in Sy.No.316/AA total admeasuring Ac.8-17 guntas situated at Kongara Khurd Village, Maheswaram Mandal, Ranga Reddy District, which is a patta land and he is in absolute possession and enjoyment over the said land. The third respondent – Mandal Revenue Officer has also issued Pattadar Pass Book and also ownership certificate. When he wanted to sell the said property and presented the document, the second respondent refused to entertain the said document, on the ground that the land in question, which is sought to be sold, cannot be registered in view of a complaint given by Dargha Hazarath Syed Shah Raju Hussaini Saini, alleging that the lands situated in Kongara Khurd village are the INAM lands of the said

Dargha. In view of the same, the present writ petition is filed.

Learned Government Pleader submits that there is no notification issued by the Government of Andhra Pradesh under Section 22-A(1) of the Registration Act, 1908, prohibiting the registration of the documents in respect of Survey No.311/AA, 315/AA and 316/AA, in the above said village. On issuance of such notification, the second respondent can refuse to receive the document for registration, but not as otherwise.

If the said lands are assigned lands included in a list of assigned lands in the district prepared by the District Collector, it is always open for the registering authority to refuse to register the same but in the absence of any such list available with regard to the assigned lands or Government poramboke lands, it may not be just and proper for the registering authority to refuse to register the said lands.

In view of the same, the second respondent is hereby directed to receive the document and register the same, as and when,
the petitioner presented the same for registration, and for any reason,
if the document cannot be registered, he has to pass appropriate orders and communicate the same to the petitioner within two weeks from the date of presentation of the said document.

Accordingly, the writ petition is disposed of at the stage of admission.

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V. ESWARAIAH, J

March 18, 2006

Note: Furnish Copy of the order by 20.03.2006

(**B/o**)

DSK